

May 17, 2005

**MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL**

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 6:30 p.m. on Tuesday, May 17, 2005 in City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Lieu, Mauno McIntyre, Nowatka, Scotto, Witkowsky and Mayor Walker.

Absent: None.

Also Present: City Manager Jackson, City Attorney Fellows
City Clerk Herbers, and other staff representatives.

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Agenda Item 17 was considered out of order at this time.

17. EXECUTIVE SESSION

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 17A) Conference with Labor Negotiator, and 17B) Conference with Legal Counsel – Existing Litigation, pursuant to California Government Code Section 54957.6 and 54956.9(a).

The Council reconvened in Council Chambers at 7:00 p.m. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember Witkowsky.

Councilmember Mauno gave the non-sectarian invocation for the meeting.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Mauno moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Lieu, and passed by unanimous roll call vote.

MOTION: Councilmember Mauno moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Lieu and passed by unanimous roll call vote.

4. WITHDRAWN OR DEFERRED ITEMS

Agenda Item 11B was withdrawn.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Police Chief Herren announced that Peace Officers Memorial Week (Blue Ribbon Week) would be the week of May 15 through May 21, with the Torrance Police Memorial Service to be held on Wednesday, May 18, at 10:00 a.m. in the Toyota Meeting Hall of the Torrance Cultural Arts Center

Councilmember Scotto announced that the 46th Annual Armed Forces Day Parade and Observance would be held May 20 through May 22. Parade scheduled Saturday, May 21, at 1:30 p.m. on Torrance Boulevard (Crenshaw to Madrona). Displays and events at the Del Amo Fashion Center Mall #11—Friday 10 a.m. to 7 p.m. and Sunday 10 a.m. to 3 p.m. U.S. Coast Guard Band Concerts – James Armstrong Theatre Friday at 2 p.m. and 7:30 p.m. – FREE tickets available at the box office at 10:00 a.m.

Mayor Walker asked that the meeting be adjourned in memory of Tom Whittle, Transit Director, who passed away May 14, 2005.

6. COMMUNITY MATTERS

6A. PRESENTATION OF JARED SIDNEY TORRANCE AWARD

Mayor Walker presented the Jared Sidney Torrance Award to Ronald T. L. Littlefair, posthumously, noting that the award was established in 1984 to recognize citizens who have served the community through a lifetime of public service, leadership and dedication. Mr. Littlefair, who became a Torrance resident in 1964, was a founding member and first commissioner of the American Youth Soccer Organization (AYSO) and under his leadership it grew from 7 teams to 24,000 teams by 1975. He continued his active involvement in the community after retiring in 1981 and served as a commissioner on the Torrance Parks and Recreation Commission, treasurer of the Torrance Cultural Arts Center Foundation, chairman of Torrance's Blue Ribbon Commission for the City Charter, as well as many other civic organizations. He was instrumental in the founding of the Torrance Certified Farmer's Market, served as editor of the *Fresh Farmer* newsletter and hosted the Citicable show *Home Grown*.

The award was accepted with appreciation by his wife Marion and sons, Andrew and Thomas.

The Council recessed from 7:15 p.m. to 7:40 p.m.

6B. RESOLUTION NO. 2005-29 RE 46TH ANNUAL ARMED FORCES DAY **RESOLUTION NO. 2005-29**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DECLARING MAY 20 THROUGH MAY 22, 2005 FOR OBSERVANCE OF THE 46TH ANNUAL ARMED FORCES DAY PARADE AND CELEBRATION

MOTION: Councilmember Scotto moved for the adoption of Resolution No. 2005-29. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

To be presented at a later date.

6C. RESOLUTION NO. 2005-30 RE VICE ADMIRAL HARVEY E. JOHNSON JR. **RESOLUTION NO. 2005-30**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE EXPRESSING APPRECIATION TO VICE ADMIRAL HARVEY E. JOHNSON JR. OF THE UNITED STATES COAST GUARD FOR SERVING AS GRAND MARSHAL OF THE 46TH ANNUAL ARMED FORCES DAY PARADE AND OBSERVANCE

MOTION: Councilmember Scotto moved for the adoption of Resolution No. 2005-30. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call voted.

To be presented at a later date.

6D. VIDEO PRESENTATION OF ARMED FORCES DAY PARADE AND OBSERVANCE

A video of the 45th Annual Armed Forces Day Parade and Observance was presented. Councilmember Scotto noted that the video was prepared for viewing at the Pentagon by representatives of the Armed Forces to encourage the allocation of equipment and personnel for this year's parade. He commended the police department for doing a phenomenal job of preparing the video and encouraged attendance at this year's parade and associated events.

6E. INTRODUCTION SISTER CITY STUDENT EXCHANGE PROGRAM PARTICIPANTS

Mayor Walker provided background information about Torrance's Sister City Program with Kashiwa, Japan, noting that the Student Exchange Program was instituted in 1974 to allow Torrance students an opportunity to learn firsthand about the culture and customs of Japan and, conversely, to give Kashiwa students a chance to learn more about life in the United States.

Torrance Sister City Association President Gary Yoshida introduced students Michelle Broun, Alisha Chan, Kriszta Farkas, Derek Kuwahara, Jenny Tanaka, Mark Tomaier, Alyssa Yamauchi, Todd Yorzane, their adult leader Jill Maroney, and orientation leaders Vera Little and Pam Mullowney.

6F. CIVIL SERVICE COMMISSION APPOINTMENT

Recommendation

Recommendation of the City Clerk that City Council make an appointment to fill one vacancy on the Civil Service Commission

The City Council appointed Marija Marino to the Civil Service Commission and City Clerk Herbers administered the Oath of Office.

7. CONSENT CALENDAR

7A. MAINTENANCE AND SUPPORT FOR PERMIT PLAN/BUSINESS LICENSE SOFTWARE

Recommendation

Recommendation of the **Information Technology Director** that City Council approve an expenditure of \$34,519.52 for one year of Permit Plan/Business License/IVR software maintenance and support from Accela, Inc. (formerly known as Tidemark, Inc.).

7B. PROPOSITION A FUND AGREEMENT WITH CITY OF ROLLING HILLS

Recommendation

Recommendation of the **Finance Director** that City Council approve the Fiscal Year 2004-2005 agreement with the City of Rolling Hills for an exchange for \$56,858.75 in City of Torrance General Funds for \$87,475 of Proposition A Local Return Funds from the City of Rolling Hills.

7C. MEMORANDUM OF UNDERSTANDING WITH LA COUNTY METROPOLITAN TRANSPORTATION AUTHORITY RE GRANT FUNDS FOR HAWTHORNE/ SEPULVEDA BOULEVARD INTERSECTION CAPACITY ENHANCEMENT

Recommendation

Recommendation of the **Public Works Director** that City Council:

- 1) Approve Memorandum of Understanding with the Los Angeles County Metropolitan Transportation Authority (MOU.P0008082) to provide grant funds in the amount of \$302,082 for the Hawthorne Blvd @ Sepulveda Blvd Intersection Capacity Enhancement;
- 2) Authorize the Mayor to execute and the City Clerk to attest to said Memorandum of Understanding; and
- 3) Appropriate grant funds in the amount of \$302,082 to the Sepulveda Boulevard Rehabilitation and Water Main Replacement Project (Hawthorne Boulevard to west City limit), T-48.

7D. CONSULTANT SERVICES AGREEMENT FOR DESIGN OF AIRPORT SECURITY PROJECT

Recommendation

Recommendation of the **Public Works Director** that City Council:

- 1) Award a consultant services agreement to P & D Consultants for the design of the Airport Security Project, in the amount of \$196,780; and
- 2) Authorize the Mayor to execute and the City Clerk to attest to said agreement.

MOTION: Councilmember Witkowsky moved for the approval of Consent Calendar Items 7A through 7D. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

11. ADMINISTRATIVE MATTERS

11A. OPERATIONS AND MAINTENANCE CONTRACT FOR THE MAX COMMUTER BUS SERVICE

Recommendation

Recommendation of the **Transit Director** that City Council consider an offer by MV Transportation, Inc. to fund the non-vested Municipal Area Express (MAX) drivers' pension benefits that would otherwise be lost upon award of the contract and to ratify the contract services agreement with MV Transportation, Inc. for the provision of operations and maintenance services for the MAX Commuter Bus Service (B2005-06) from July 1, 2005 through June 30, 2008 for a total not to exceed \$2,631,254.

Transit Administration Manager Mills reported that at last week's meeting, concerns were raised about the possibility that non-vested Municipal Area Express (MAX) drivers would lose pension benefits from the Teamsters as a result of the transition from Coach USA to MV Transportation, Inc., and that MV Transportation has proposed a solution as outlined in their letter of May 17, 2005 (supplemental material).

Irene Mendoza, Constituent Services Director for L.A. City Councilwoman Janice Hahn, requested that the matter be referred back to the Policy Steering Committee (PSC) for review at a special meeting to be held on May 18.

Eric Tate, representing the Teamsters, indicated that his organization supports the request to have the PSC take another look at this item.

Dave Dwight, representing Coach USA, voiced support for having the PSC reconsider the award of contract in light of what has occurred since the bidding.

Mayor Walker questioned whether the one-week delay would allow enough time for the new contract to be finalized before the existing contract expires.

Transit Administration Manager Mills noted that the contract expires in 44 days and MV Transportation has indicated that they need 6-8 weeks to provide for an orderly transition with no disruption of service.

City Manager Jackson suggested that staff could look into the possibility of extending the current contract until the new contract is in place, but noted that the decision would be up to the PSC and it cannot be done by Torrance unilaterally.

W. C. Phil, representing MV Transportation, stated that the company has come up with a win/win solution that addresses concerns raised at the last meeting by offering to establish retirement accounts equal to the drivers' current balance in their pension program. He indicated that the company has no objection to referring the matter back to the PSC, but would prefer to move forward with the contract in order to ensure a smooth transition. He noted that the company will absorb the cost of funding the retirement accounts and the original bid remains unchanged.

Councilmember Witkowsky related her understanding that there are cases where union and non-union employees work together in the same company and questioned why the 11 MAX drivers cannot remain in the union.

Deputy City Attorney Sullivan advised that whether or not the drivers are unionized is a matter between the MAX drivers, their current employer (Coach USA), and their prospective employer (MV Transportation).

Councilmember Scotto reported that the drivers in question are currently working with non-union drivers at Coach USA. He related his understanding that the City was obligated to ratify the agreement with MV Transportation because they were the lowest bidder.

Deputy City Attorney Sullivan clarified that MV Transportation submitted the lowest bid in response to a Request for Proposal and was also the highest-rated company; that the contract was subsequently awarded to MV Transportation by the Policy Steering Committee; and that Torrance, as the lead agency, has an obligation to enter into a contract with the company selected by the PSC.

Councilmember Lieu maintained that the funding of pensions was not the only issue because Coach USA started the MAX program and changing to another contractor introduces an element of risk. He stated that MV Transportation was the lowest bidder because they did not intend to fund pensions for the 11 drivers and suggested that since MV Transportation's bid was changed after the contract was awarded, Coach USA should have the same opportunity.

MOTION: Councilmember Lieu moved to defer this item to the Council meeting of May 24, 2005, and to direct the Policy Steering Committee to explore the possibility of extending the current contract on a month-to-month basis should the need arise. The motion was seconded by Councilmember Mauno.

Deputy City Attorney Sullivan recommended that the second part of the motion be withdrawn because the agenda for the Policy Steering Committee's special meeting has already been posted and discussion is limited to the items posted.

Councilmember Lieu offered the following amended motion:

MOTION: Councilmember Lieu moved to defer this item to the Council meeting of May 24, 2005. The motion was seconded by Councilmember Witkowsky, and discussion briefly continued.

Councilmember Nowatka stated that the fact that MV Transportation has agreed to absorb the expense of funding pension accounts for 11 drivers does not alter their bid, which is approximately \$230,000 lower than the next lowest bid. He noted that the process for awarding the contract has been the same for 15 years and expressed concerns that the City was placing itself at great legal risk by deviating from this process.

Councilmember Mauno stated that he favored continuing this item for one week because he wanted to exhaust all options, however, it was not an indication of how he will vote on the contract.

In response to Councilmember Nowatka's inquiry, Deputy City Attorney Sullivan provide clarification regarding the agenda for the Policy Steering Committee's special meeting.

Councilmember Scotto doubted that anything would be accomplished by delaying this matter for one week; sought to dissuade anyone from the idea that MV Transportation could be forced to take on unionized employees; and asked for suggestions as to how the PSC could resolve this situation.

Mayor Walker stated that he saw no harm in continuing this item for one week and felt the PSC may have new insight since the initial recommendation was made 3 weeks ago.

Mayor Walker called for a vote on the motion on the floor, and the motion passed by a 5-2 roll call vote with Councilmembers Nowatka and Scotto dissenting.

11B. STORAGE OF CLEAN FILL AT 1001 ELM AVENUE

Recommendation

Recommendation of the **City Manager** that City Council to accept at no cost and store approximately 30,000 cubic yards of "clean" fill at 1001 Elm Avenue for use with the Del Amo Extension project, T-30.

Item was withdrawn, see page 2.

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The Council met as the Redevelopment Agency from 8:24 p.m. to 8:25 p.m.

16. ORAL COMMUNICATIONS

16A. City Manager LeRoy Jackson remembered late Transit Director Tom Whittle as a gentle man with a wry sense of humor who was also a man of perception and vision who left a legacy for transit operations in Torrance.

16B. Councilmember Lieu expressed condolences to the family of Transit Director Whittle and to those who worked with him.

16C. Councilmember Lieu commended Governor Schwarzenegger for reversing his position on Proposition 42 funds, noting that Torrance would receive over \$600,000 per year due to this change.

16D. Councilmember Lieu reported that the Los Angeles Air Force Base in El Segundo was not on the initial Base Realignment Closure List (BRAC) due to the efforts of the LAAFB regional alliance, but there is a possibility it could be added in the future because Colorado and New Mexico are actively lobbying for its closure. He asked for City Council concurrence to have an item brought back to allocate an additional \$35,000 to the alliance to continue the efforts to keep the base open.

16E. Councilmember Lieu congratulated the Torrance Education Foundation for offering a matching \$80,000 to maintain third grade class sizes and the Torrance Parents Organization and others in the community for their efforts to raise the matching funds. He reported that over \$50,000 has already been raised and urged those who wish to donate to call 310.483.7819 or visit the website at TorranceParents.org. He noted that he has approximately \$2000 left in his travel budget and asked for City Council concurrence to have an item brought back to allow him to allocate the funds to this effort.

16F. Councilmember Mauno expressed condolences to the family of Transit Director Tom Whittle, noting that he will be greatly missed.

16G. Councilmember Mauno thanked everyone for their efforts on the LAAFB issue and recognized Assemblyman Mike Gordon and Redondo Beach Councilman John Parsons for working tirelessly on this issue.

16H. Councilmember Mauno noted his attendance at Torrance Area Chamber of Commerce Latin American Trade Commissioners Round Table where representatives Joao Alberto Dourado Quintaes from Brazil, Miguel Vega from Mexico, German Cerezo from Chile, Patricio Barraquez Bravo from Argentina, and Leandro Fernandez Suarez from Guatemala discussed trades issues affecting Latin American countries.

16I. Councilmember McIntyre offered condolences to the family of Transit Director Whittle, stating that the City was very fortunate to have had him as an employee.

16J. Councilmember McIntyre commended residents for coming together and raising a tremendous amount of money for class size reduction.

16K. Councilmember Nowatka reported that several community members had asked him to convey their thanks to councilmembers and the City for their efforts to save the Los Angeles Air Force Base, noting that Torrance has already donated \$65,000 for this purpose.

16L. Councilmember Nowatka expressed condolences to the family of Transit Director Tom Whittle.

16M. Councilmember Scotto reported that he and Councilmember McIntyre had the good fortune to work with Transit Director Whittle when they served on the Civil Service Commission and recalled that he was extremely fair when presenting cases involving Transit personnel. He extended condolences to the Whittle family.

16N. Councilmember Witkowsky also offered condolences to the Whittle family. She recalled his efforts to find funding for senior transportation and stated that he definitely made a difference and left the world a better place.

16O. Councilmember Witkowsky congratulated the El Camino College speech team for winning the gold medal in a recent competition.

16P. Councilmember Witkowsky announced that the American Cancer Society 3rd Annual Relay for Life had raised 30% more in donations than last year for a total \$177,500 to date. She also announced that donations were still being accepted and could be sent to American Cancer Society, Attn: Torrance Relay for Life, 5731 W. Slauson Avenue, #2000, Culver City, CA 90230.

16Q. Mayor Walker expressed condolences to the family of Transit Director Whittle, stating that he greatly enjoyed his company.

16R. Mayor Walker reported that he has the honor of throwing out the first baseball at the Dodger-Angel game on Sunday.

16S. Susan Lopez, of the Torrance Parents Organization, thanked the City Council for their support and introduced steering committee members Kelly Gottlieb, Kara Furman and Rosie Weider.

17. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

18. ADJOURNMENT

At 8:41 p.m., the meeting was adjourned to Tuesday, May 24, 2005 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

***Adjourned in Memory of
Transit Director Tom Whittle***

Attest:

/s/ Dan Walker

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC

City Clerk of the City of Torrance

Approved on July 12, 2005